

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

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Case No. ~~CLERK, U.S. DIST. COURT~~  
~~MINNEAPOLIS, MN~~

Land O' Lakes, Inc.,

Plaintiff,

vs.

**DEFENDANT THE TRAVELERS  
INDEMNITY COMPANY'S  
NOTICE OF REMOVAL**Employers Mutual Liability  
Insurance Company of Wisconsin  
and The Travelers Indemnity  
Company,

Defendants.

PLEASE TAKE NOTICE, under Title 28 of the United States Code, Sections 1441 and 1446, Defendant The Travelers Indemnity Company ("Travelers"), submits this Notice of Removal of the above-captioned action to the United States District Court for the District of Minnesota. In support of its Notice of Removal of the above-captioned action from the District Court for the Second Judicial District, County of Ramsey, State of Minnesota, Travelers states as follows:

1. On February 24, 2009, Travelers was served with a copy of the original Summons and Complaint in the above-entitled action. Plaintiff's Summons and Complaint and exhibits to the Complaint are attached hereto as Exhibit A and incorporated herein by reference. Plaintiff's Complaint seeks insurance coverage under various liability insurance policies issued by Travelers and by Defendant Employers Insurance Company of Wausau, f/k/a Employers Insurance of Wausau, A Mutual Company, incorrectly named as Employers Mutual Liability Insurance Company of Wisconsin ("Employers"). Specifically, Plaintiff seeks the costs of defense and indemnification for an action brought against it by the United States Environmental

**SCANNED**

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U.S. DISTRICT COURT MPLS

Protection Agency, alleging environmental contamination at the site of an oil refinery located in Cushing, Oklahoma which was owned and operated by an entity that was later acquired by Plaintiff.

2. Defendant Employers was served with a copy of the original Summons and Complaint on February 23, 2009, and consents to the removal of this action, as set forth in Exhibit B.

3. This action is venued in the District Court for the Second Judicial District, County of Ramsey, State of Minnesota, Court File No. 62-cv-09-1489, and is pending therein.

4. No further proceedings have been held in the Second Judicial District, County of Ramsey, State of Minnesota.

5. Pursuant to 28 U.S.C. §1446, this petition is filed with the court within 30 days of Travelers' receipt of the original Summons and Complaint.

6. This court has original jurisdiction of the above-entitled action pursuant to 28 U.S.C. §1332, and the above-entitled action is one which may be removed to this Court pursuant to 28 U.S.C. §§1441 and 1446, in that:

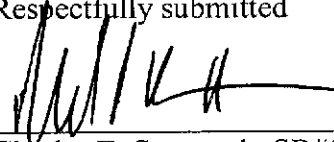
- a. Plaintiff Land O' Lakes is a Minnesota corporation with its principal place of business in St. Paul, Minnesota;
- b. Defendant Travelers is an insurance company incorporated in Connecticut with its principal place of business in Hartford, Connecticut.
- c. Defendant Employers is an insurance company incorporated in Wisconsin with its principal place of business in Wausau, Wisconsin.

d. Based on the allegations contained in the Complaint and its exhibits, Plaintiff claims damages in excess of \$75,000 exclusive of interest and costs.

7. Concurrent with the filing of this removal, Travelers is filing a Notice of Filing of Removal with the District Court for the Second Judicial District, County of Ramsey, State of Minnesota.

WHEREFORE, defendant The Travelers Indemnity Company prays that all further proceedings in this civil action be conducted in the United States District Court for the District of Minnesota as provided by law.

Respectfully submitted



Dated: March 25, 2009

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Charles E. Spevacek, SB#126044  
Michael P. McNamee, SB #277964  
MEAGHER & GEER, PLLP  
33 South Sixth Street, Ste. 4400  
Minneapolis, MN 55402  
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**Attorneys for Defendant The  
Travelers Indemnity Company**

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MINNEAPOLIS, MN

Direct Dial No.: (612) 347-9193  
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VIA MESSENGER

March 25, 2009

Mr. Rich Sletten, Clerk of Court  
U.S. District Court, District of Minnesota  
300 South Fourth Street  
202 U.S. Courthouse  
Minneapolis, MN 55415

CK 268478

Re: *Land O' Lakes, Inc. v. Employers Mutual Liability Ins. Co. of Wisconsin and The Travelers Indemnity Co.*  
Our File No. 51163-260

Dear Mr. Sletten:

Enclosed herein for filing in the above-referenced matter please find the following:

1. Civil Cover Sheet;
2. Defendant The Travelers Indemnity Company's Rule 7.1 Disclosure (original and one copy);
3. Defendant The Travelers Indemnity Company's Notice of Removal (with exhibits);
4. Copy of Defendant The Travelers Indemnity Company's Notice of Filing of Removal (with exhibits); and
5. Our firm draft in the amount of \$350 for the filing fee (Clerk of Court only).

By copy of this letter, counsel for plaintiff Land O' Lakes, Inc. and defendant Employers Mutual Liability Insurance Company of Wisconsin are being served with the same. The affidavit of service will follow by U.S. Mail. Please contact me if you have any questions.

Very truly yours,

MICHAEL P. MCNAMEE

MPM/gp/6907267.1  
Enclosures

Mr. Rich Sletten, Clerk of U.S. District Court  
March 25, 2009  
Page 2

cc: Clerk of Ramsey County District Court (w/encl.) (via messenger)

Scott J. Ryskoski, Esq. (w/ encl.) (via Federal Express)  
Ryskoski Law, P.L.L.C.  
556 Silicon Drive, Suite 100  
Southlake, TX 76092

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VIA MESSENGER

March 25, 2009

Court Administrator  
RAMSEY COUNTY DISTRICT COURT  
15 West Kellogg Boulevard, Room 600  
St. Paul, MN 55102

Re: *Land O' Lakes, Inc. v. Employers Mutual Liability Ins. Co. of Wisconsin and The Travelers Indemnity Co.*  
Ramsey County District Court File No. 62-cv-09-1489  
Our File No. 51163-260

Dear Court Administrator:

Enclosed herein for filing in the above-referenced matter please find the following:

1. Defendant The Travelers Indemnity Company's Notice of Filing of Removal (with exhibits);
2. Copy of Defendant The Travelers Indemnity Company's Notice of Removal (with exhibits);
3. Copy of the Civil Cover Sheet; and
4. Check to Court Administrator for filing fee in the amount of \$250.00.

By copy of this letter, counsel for plaintiff Land O' Lakes, Inc. and defendant Employers Mutual Liability Insurance Company of Wisconsin are being served with the same. The affidavit of service will follow by U.S. Mail. Please contact me if you have any questions.

Very truly yours,



MICHAEL P. MCNAMEE

MPM/gp/6907287.1  
Enclosures

Ramsey County District Court Administrator  
March 25, 2009  
Page 2

cc: Clerk of U.S. District Court (w/encl.) (via messenger)

Scott J. Ryskoski, Esq. (w/ encl.) (via Federal Express)  
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